

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

In re: Bair Hugger Forced Air Warming
Products Liability Litigation

MDL No. 2666
(JNE/FLN)

This Document Relates to All Actions

**JOINT MOTION REGARDING
CONTINUED SEALING**

Documents have been filed under temporary seal in connection with the following motion:

*Defendant 3M Company's Motion to Remove "Confidential"
Designation from Documents Produced by Augustine*

*(Doc. No.
519)*

Pursuant to LR 5.6, the parties submit this Joint Motion Regarding Continued Sealing.

Dated: July 3, 2017

Respectfully submitted,

/s/ Monica L. Davies

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DKT. NO.	DESCRIPTION OF DOCUMENT	MARK "X" IN APPLICABLE COLUMN			NONPARTY THAT DESIGNATED DOC. CONFIDENTIAL (IF ANY)	REASON WHY DOCUMENT SHOULD REMAIN SEALED OR BE UNSEALED ⁱ
		Parties Agree Doc. Should Remain Sealed	Parties Agree Doc. Should Be Unsealed	Parties Disagree		
519	Memorandum in Support of Motion to Remove "Confidential" Designation from Documents Produced by Augustine			X		The parties agree that those portions of the memorandum discussing the documents de-designated pursuant to the Court's June 26, 2017 Order should be unsealed. The parties disagree as to the portions of the memorandum discussing Dr. Augustine's deposition testimony, for the reasons set forth below.
522	Exhibit A – Summary chart that describes the documents at issue in 3M's motion		X		Scott Augustine	This document is no longer deemed confidential, per the Court's June 26, 2017 Order.
523	Exhibit C – Email chain between J. Randall Benham, David Hodges, Gabriel Assaad and Scott Augustine, including emails from April 25, 2013 through April 30, 2013		X		Scott Augustine	This document is no longer deemed confidential, per the Court's June 26, 2017 Order.
524	Exhibit D – Portions of the transcript of the Deposition of Scott D. Augustine and certain exhibits to that deposition			X	Scott Augustine	Dr. Augustine designated this portion of his deposition testimony as confidential. He is evaluating whether to continue that designation (and sealing), in light of the Court's June 26, 2017 Order. 3M does not believe the confidential

						designation is appropriate and, and notes that Dr. Augustine has not identified any provision of the Protective Order that would be applicable. Thus, 3M does not believe that the testimony should remain sealed.
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ⁱ This explanation should be very brief. For example:

1. contains information designated as confidential by a nonparty
2. contains information designated as confidential under a non-disclosure agreement between plaintiff and nonparty
3. contains information designated as confidential under a protective order issued in this case [Docket No. XX]
4. discovery materials filed in connection with a motion under Fed R. Civ. P. 37
5. reveals trade secrets of defendant
6. reveals proprietary business methods of plaintiff
7. confidential financial records
8. confidential medical records
9. contains termination information regarding former employees of defendant
10. reveals information regarding a minor
11. contains information ordered sealed by the court on DATE [Docket No. XX]